

**OFFICE OF THE CHIEF OF POLICE**

**SPECIAL ORDER NO. 16**

**July 8, 2005**

**APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON JUNE 21, 2005**

**SUBJECT: REVISION TO DEPARTMENT MANUAL SECTION 1/272**

Manual Section 1/272 shall be changed as indicated:

**Delete the current policy.**

**Replace with the following:**

**POLICY PROHIBITING RETALIATION**

The Department is committed to providing an atmosphere in which employees are free from workplace harassment and retaliation of any kind. Retaliation and acts contributing to retaliation are serious misconduct. Therefore, any Department employee who engages in, sanctions or supports such activity is subject to disciplinary action, up to and including termination. Department managers, commanding officers, and supervisors will be held accountable for providing an atmosphere at work in which employees are free from retaliation. Department managers, commanding officers, and supervisors, are also accountable for subordinate employees who engage in behavior that the manager, commanding officer, or supervisor knew, or should have known, was occurring, that formally or informally punish an employee for engaging in protected activity.

Retaliation is defined as an adverse employment action taken against an employee for engaging in protected activity. An adverse employment action includes an action that would cause a reasonable employee to be deterred from engaging in a protected activity or an action in direct response to an employee engaging in a protected activity. Adverse employment actions may include, but are not limited to, negative performance evaluations, negative Employee Comment Sheets, the imposition of discipline, denial of a paygrade advancement, coveted assignment or promotional opportunity, or change of assignment.

Protected activities include:

- a) Opposing, reporting, or participating in any claim, lawsuit, or investigation concerning unlawful discrimination or sexual harassment;

- b) Filing a grievance or participating in any unfair labor complaint;
- c) Taking advantage of any labor right or benefit such as using sick or family leave, seeking compensation for overtime worked, or filing an objectively valid work-related claim for damages;
- d) Reporting misconduct of another Department or City employee to the Office of the Inspector General, or any Department or governmental entity; or,
- e) Supporting, assisting or cooperating in a misconduct investigation.

**Employee's Responsibility.** Any employee who reasonably believes that he or she has been the subject of retaliation as defined above shall report it without delay. Employees may contact any Department supervisor, the Ombuds Office, Internal Affairs Group, Police Commission Discrimination Unit, Risk Analysis Section, or the Office of the Inspector General. It is the duty of Department managers, commanding officers and supervisors to monitor the workplace to prevent retaliation from occurring, identify and stop retaliation when it occurs, take allegations of retaliation seriously and encourage employees to come forward without delay to report retaliation.

**Note:** Taking employment action against an employee that is justified on merit does not constitute retaliation forbidden by law or Department policy. Therefore, all Department managers and supervisors shall ensure that employment actions are appropriate and not motivated by or in response to an employee engaging in protected activity. The Commanding Officer, Risk Management Group, is responsible for providing support and guidance to Department managers and commanding officers after a complaint of retaliation has occurred in their command.

**AUDIT RESPONSIBILITY:** The Commanding Officer, Risk Management Group, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON  
Chief of Police

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